

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER TODD BOUDREAU,

Defendant.

CR 22-46-M-DWM

ORDER

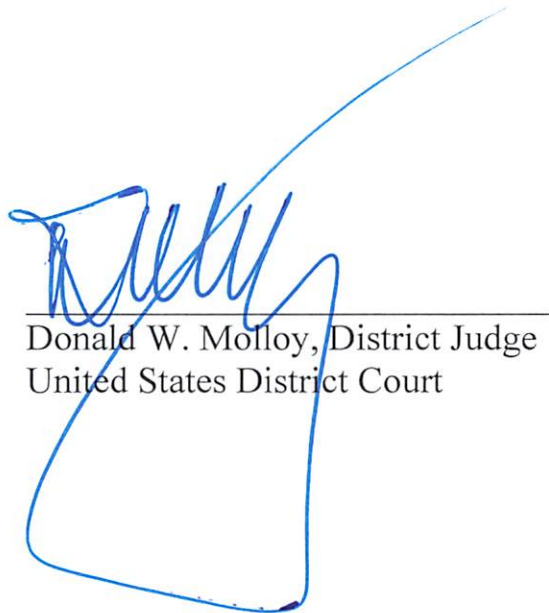
On July 6, 2023, Defendant Christopher Todd Boudreau moved for leave to file two out of time motions in this matter, including a motion to suppress the evidence recovered from three hard drives he believed were untimely searched. (*See* Doc. 100.) Although Boudreau was not permitted to file additional briefing on the matter, the government was ordered to respond. (*See* Doc. 101.) In that response, the government indicated that: (1) it does not plan to introduce those hard drives at trial unless Boudreau opens the door and (2) the search warrant at issue was timely served even if the contents of the hard drives were not reviewed until later. (Doc. 103.) Both arguments have merit. While the issue may not even arise at trial, the government persuasively argues that service and forensic review are two different things, (*see id.* at 5; *see also* Doc. 103-1 at 3 (granting permission under the warrant to “seize” the listed property)), and service occurred within both

the constraints of Montana Code Annotated § 46–5–227 and the Fourth Amendment. Because the basis of Boudreau’s suppression motion lacks merit, his request for leave is equally unfounded.

Accordingly, IT IS ORDERED that Boudreau’s motion (Doc. 100) is DENIED in its entirety.

IT IS FURTHER ORDERED that the July 13, 2023 motion hearing is VACATED as MOOT.

DATED this th11 day of July, 2023.



Donald W. Molloy, District Judge
United States District Court